

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------|---|----------------|-----------------|
| Applicant(s): | J.C. CHONG et al. | Examiner | Thanh T. Nguyen |
| Serial No. | 10/606,028 | Group Art Unit | 2144 |
| Filed | June 25, 2003 | Docket No. | SVL920040552US2 |
| TITLE | METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF APPLICATIONS IN A DISTRIBUTED ENVIRONMENT | | |

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over the Internet to Thanh T. Nguyen of the U.S. Patent and Trademark Office on April 29, 2009.

/Janaki K. Davda/

Janaki K. Davda Reg. No. 40,684

REMARKS WITH REFERENCE TO U.S. PATENT NO. 6,785,728

Dear Examiner Nguyen:

The above-mentioned application is related to Application Serial No. 11/847,217.

U.S. Patent No. 6,785,728 was cited in an Office Action (mailed on February 26, 2000) in Application Serial No. 11/847,217.

Based on a review of U.S. Patent No. 6,785,728, it is believed that U.S. Patent No. 6,785,728 is not material to patentability of any existing claim of the pending application and/or is cumulative to information already of record in accordance with 37 CFR 1.56.

However, Applicants believe that the public interest is best served by placing these remarks in the file.

Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0460.

Dated: April 29, 2009

By: _____/Janaki K. Davda/_____

Janaki K. Davda
Registration No. 40,684

Please direct all correspondences to:

Janaki K. Davda
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: (310) 553-7973
Fax: 310-556-7984